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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,835	11/30/2000	Eric Edwards	80398.P356	3923

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EXAMINER

CHUONG, TRUC T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 04/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,835

Applicant(s)

EDWARDS ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because:

Lines 2 and 3, "an image-editing equipment" is grammatically incorrect

Line 10, "having the animated icon proffer a tool icon" is unclear.

Lines 12 and 13, "an alternate image-editing equipment" is grammatically incorrect.

Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 1, 6, 9, 14, 16, and 20, are objected to because of the following informalities:

Claim 1 line 2, "a first image-editing equipment" is grammatically incorrect.

Claim 6 line 2, "a second image-editing equipment" is grammatically incorrect.

Claim 9 and 14, same problems as 1 and 6, respectively.

Claim 16 and 20, same problems as 1 and 6, respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 9-14, and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerlach, Jr. et al. (U.S. Patent No. 6,484,189 B1).

As to claim 18, Gerlach teaches a system for indicating suggested user responses, comprising:

means for loading an image into a first image-editing equipment (object editor, col. 8 lines 17-28);

means for determining a set of quality-related problems of said image using software (SCORE, col. 8 lines 44-57 and figs. 13-14);

means for displaying an animated icon in conjunction with said image (col. 33 lines 34-41); and

means for indicating a suggested user response to one of said set of quality-related problems with said animated icon (evaluation, col. 20 lines 50-67).

As to claim 19, Gerlach teaches the system of claim 18, wherein said means for indicating includes means for indicating said suggested user response in response to matching a corrective function within said software with one of said set of quality-related problems (col. 33 lines 34-59).

As to claim 20, Gerlach teaches the system of claim 18, further comprising means for moving said animated icon to a second image-editing equipment (saved and attached, col. 30 lines 28-42).

As to claim 21, Gerlach teaches the system of claim 18, wherein said means for displaying includes means for loading said animated icon from a remote server because

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Gerlach's presentation system is computer authoring systems (col. 1 lines 25-33); therefore, information can be transferred from different sources.

As to claims 1 and 2, they are method claims of system claims 18 and 19. Note the rejections of claims 18 and 19 above.

As to claim 3, this is a method claim of claim system claim 19. Note the rejection of claim 19 above.

As to claim 4, Gerlach teaches the method of claim 1, wherein said indicating includes proffering a tool icon by said animated icon (icon menu, col. 8 lines 65-66 and col. 9 lines 1-12).

As to claim 5, Gerlach teaches the method of claim 1, wherein said indicating includes performing a related editing to said animated icon (col. 9 lines 7-22).

As to claim 6, this is a method claim of system claim 20. Note the rejection of claim 20.

As to claim 9 and 10, they are similar in scope to claims 18 and 19 above; therefore, rejected under similar rationale.

As to claim 11, it is individually similar in scope to claim 19 above; therefore, rejected under similar rationale.

As to claim 12, Gerlach teaches the system of claim 10, wherein said indicator is a tool icon (figs. 7A-D).

As to claim 13, this is a system claim of method claim 5. Note the rejection of claim 5 above.

As to claim 14, the system of claim 10, wherein said animated icon moves to a second image-editing equipment (saved and attached, col. 30 lines 28-42).

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As to claim 16, this is a program product claim of system claim 18. Note the rejection of claim 18 above.

As to claim 17, this is a network claim of system claim 18. Note the rejection of claim 18 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerlach, Jr. et al. (U.S. Patent No. 6,484,189 B1) in view of Herz et al. (U.S. Patent No. 5,835,087).

As to claim 7, Gerlach teaches the method of claim 1 wherein said displaying includes loading said animated icon from a remote server (see claim 21 above) but does not teach the animated icon showing banner advertisements that trigger payments to said remote server of said banner advertisements. Herz clearly shows advertisements and electronic payments (col. 40 lines 28-43). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have these highly desirable features of advertisements and electronic payments taught by Herz et al. in Gerlach's presentation system to provide conveniences to all users when using the system.

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As to claim 8, Herz also teaches where a user payment on a per-transaction basis is made (a message may also indicate the identity of target object and feedback information, col. 40 lines 37-51). See claim 7 above for motivation.

As to claim 15, this is a system claim of method claim 7. Note the rejection of claim 7 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bridson (U.S. Patent No. 6,359,270 B1) teaches advertisements, payments, web, and transactions (cols. 2-23 and figs. 10-13).

Franklin et al. (U.S. Patent No. 6,000,832) teach Internet, Web, advertisements, and payments (cols. 2-13 and figs. 1-7).

Wies et al. (U.S. Patent No. 6,125,385) teach quality, advertisements, images, and edits (cols. 3-41 and figs. 5-26).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong
April 21, 2003

Kristine Kincaid
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